

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES D'ARY,

Defendant.

No. 4:04CR442-SNL

ORDER

Defendant has filed motion to perfect his appeal without prepayment of costs, together with request for appointment of counsel.

Notice of Appeal has been filed and it does appear that defendant may perfect his appeal without prepayment of costs. As the matter is now lodged in the United States Court of Appeals for the Eighth Circuit, the issue of appointment of counsel should be resolved by that Court.

IT IS THEREFORE ORDERED that defendant may proceed with his appeal without prepayment of costs, but that the appointment of counsel should be left to the discretion of the Court of Appeals.

Dated this 10th day of August, 2005.



SENIOR UNITED STATES DISTRICT JUDGE